



412  
10-15-01  
P.2.

PATENT  
Attorney Docket No.: ST94037A-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Serge CARILLO *et al.*

Appl. No.: 09/405,920

Filed: September 24, 1999

For: METHOD OF CANCER TREATMENT BY  
P53 PROTEIN CONTROL

Art Unit: 1632

Examiner: A. Beckerleg

**RECEIVED**

OCT 12 2001

TECH CENTER 1600/2900

Commissioner for Patents  
Washington DC 20231

**REQUEST TO WITHDRAW NOTICE OF ABANDONMENT**

Applicants received a Notice of Abandonment dated October 3, 2001. This Notice was sent in error. Applicants respectfully request withdrawal of the Notice of Abandonment for the reasons stated below. If necessary applicants petition the Commissioner to reinstate or revive this application and direct that any required fees be taken from Deposit Account No. 50-1129.

The Notice of Abandonment states that no timely response to the Office letter of March 28, 2000, was received. (Applicants point out that the correct date is March 28, 2001, as there is a Paper No. 8 Office Action mailed on that date but no Office correspondence dated March 28, 2000.) However, applicants timely filed a Reply to Office Action (Paper No. 8), including the appropriate Request for Extension of Time and fee on September 28, 2001. Applicants enclose (as Exhibit 1) the material filed in response to the March 28, 2001, Office Action, and the date-stamped postcard indicating the Patent Office received the material on September 28, 2001.

The Notice of Abandonment was sent in error through no fault of the applicants. Therefore, no fees or petitions or request are required to keep this application pending or revive

it. If necessary, Applicants authorize the Commission to take any fees required from Deposit Account No. 50-1129 in order to petition or request any action to reinstate or revive this application.

Respectfully submitted,  
**Wiley Rein & Fielding LLP**

Date: October 11, 2001

By:



David J. Kulik Reg. No. 36,576

Floyd B. Chapman Reg. No. 40,555

**Wiley Rein & Fielding LLP**  
Intellectual Property Department  
1776 K Street NW  
Washington, D.C. 20006  
**Telephone: 202.719.7000**  
**Facsimile: 202.719.7049**



UTILITY

**PATENT**

Application No.: 09/405,920

Filing

Date: March 28, 2000

Client/Matter No.: 80375.0033

Docket No. ST94037A

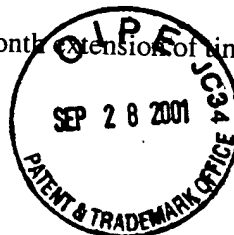
Inventor(s): CARILLO et al.

Atty/Sec.: DK/fj/jaf


Title: Method of Cancer Treatment by P53 Protein Control

**The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:**

- ☒ Reply to Office Action, three-month extension of time, Appendix A, (9 total pages)
- ☒ Fee Transmittal Form
- ☒ Transmittal Form
- ☒ Check No. 142566 for \$890.00





Please type or sign (+) inside this box → 

PTO/SB/21 (08-00)

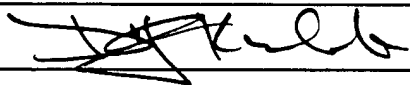
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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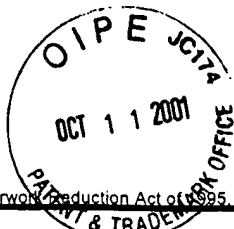
<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/405,920	
	<b>Filing Date</b>	September 24, 1999	
	<b>First Named Inventor</b>	CARILLO et al.	
	<b>Group Art Unit</b>	1632	
	<b>Examiner Name</b>	A. Beckerleg	
<b>Total Number of Pages in This Submission</b>	11	<b>Attorney Docket Number</b>	ST94037A-US

<b>ENCLOSURES</b> <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<b>Remarks</b>		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	David J. Kulik, Wiley Rein & Fielding, LLP
Signature	
Date	September 28, 2001

<b>CERTIFICATE OF MAILING</b>		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>		
Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 890.00

## Complete if Known

Application Number 09/405,920  
Filing Date September 24, 1999  
First Named Inventor CARILLO et al.  
Examiner Name A. Beckeleg  
Group Art Unit 1642  
Attorney Docket No. ST94037A-US

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1129  
Deposit Account Name David J. Kulik

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

Total Claims  - 20\*\* =  X  =   
Independent Claims  - 3\*\* =  X  =   
Multiple Dependent  =

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	890.00
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

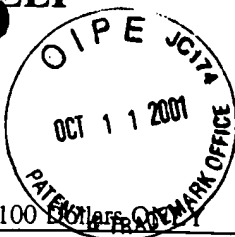
SUBTOTAL (3) (\$ 890.00

## SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
David J. Kulik	36,576	202.719.7000
Signature	Date	Sept. 28, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**WILEY REIN & FIELDING LLP****142566**1776 K Street, N.W.  
Washington, DC  
**Operating Account**

Date
09/27/2001

Amount
*****890.00

**Pay** Eight Hundred Ninety and 00/100 Dollars**To the  
Order of**

COMMISSIONER FOR PATENTS

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Washington, DC

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⑈142566⑈ ⑆054001204⑆ ⑈000003702987⑈

Attached is our check in full settlement of items shown hereon. If not correct, please return with explanation or call us at (202)719-7512.

**No. 142566**

COMMISSIONER FOR PATENTS

**Check Date 09/27/2001**

Description	Date	Invoice No.	Amount of Invoice	Discount	Net
U.S. PATENT/TRADEMARK FEE	09/27/2001		890.00	.00	890.00
				<b>Total</b>	<b>890.00</b>

**WILEY REIN & FIELDING LLP**  
**Operating Account**